

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27822 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Tej Narayan Yadav Son of Shivji Yadav Resident of village - Gagaura, P.O. -
Churamanpur, P.S. - Buxar (Industrial), Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alka Singh, Advocate
For the Informant	:	Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
11.01.2023, in connection with Buxar (Industrial) P.S. Case No.
04 of 2023, F.I.R. dated 05.01.2023 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 302,
379, 504, 506 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons variously armed with *lathi*,
farsha, *iron rod*, *brick*, *rama* and *bamboo* came and assaulted
the informant due to which he sustained injury on his back and
leg.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the present occurrence had taken place due to admitted land dispute between the parties and it appears from the F.I.R. that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against the petitioner and other co-accused persons that they have assaulted the victim and there is no specific allegation of any assault or over act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.01.2023.

5. The learned counsel appearing on behalf of the Informant and learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and report of the learned trial court dated 23.08.2023 reveals that the trial is going on and out of thirteen chargesheet witnesses, five witnesses have already



been examined.

6. Learned counsel for the petitioner referring the aforesaid report of the learned trial court and submits that out of thirteen chargesheeted witnesses, only five chargesheeted witnesses have been examined in the present case and it appears that the trial is not likely to be concluded in near future and the petitioner is in custody since 18.01.2023.

7. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Industrial) P.S. Case No. 04 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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